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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,961	04/15/2004	Dennis W. Minium JR.	MS307028.1/MSFTP636US	7470
27195	7590	10/11/2006	EXAMINER	
AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			HOFFLER, RAHEEM	
			ART UNIT	PAPER NUMBER
			2169	

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/824,961	MINIUM ET AL.	
	Examiner	Art Unit	
	Raheem Hoffer	2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/15/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claim Rejections – 35 USC 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

As to Claims 1-15, the claimed invention is directed to non-statutory subject matter. Claims 1-15 appear to claim software 'per se'. The term "components" is referred a "software components". Software is not considered to be any new and useful process, machine, manufacture or composition of matter.

Claim Rejections – 35 USC 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-7, 9-12, 14-18, 20-21, and 23-32 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gargi et al (USPG-Pub No. 20050027712A1).

As for Claim 1, Gargi et al teaches of a distributed classification system comprising a plurality of software components (Fig. 15; e.g., object types; ([0096][0105][0113])) and a classification component that couples software components to a common classification structure (Fig. 13 (12); e.g., object manager; ([0038-0039][0043][0045-0047][0049][0103-0104])).

As for Claim 11, Gargi et al teaches a software tool interaction system comprising a means for generating a common classification scheme amongst a plurality of unrelated software tools (Fig. 15; e.g., object types; ([0096][0105][0113])) and a means for maintaining the common classification scheme to provide a foundation for a cohesive user experience (Fig. 17 (120); e.g., Business Process Cockpit; ([0043][0110][0112-0114])).

As for Claim 16, Gargi et al teaches a common classification methodology comprising generating one or more taxonomies (e.g., segmentation engine; ([0045-0047][0049])), maintaining the taxonomies to facilitate interaction with taxonomy artifacts by a plurality of unrelated tools [0043-0049].

As for Claim 28, Gargi et al teaches a common enterprise classification scheme methodology comprising instantiating a common structure based on a structure type (Fig. 15; e.g., object types; ([0096][0105][0113])); exposing the common structure amongst a plurality of unrelated tools to provide a foundation for a cohesive user experience (Fig. 8; ([0043][0080])).

As for Claim 2, Gargi et al teaches the classification structure comprising node types and structural constraints ((Fig. 16 (60); e.g., classification nodes; [0106-0107])).

As for Claim 3, Gargi et al teaches the classification structure is hierarchical (Fig. 8; e.g., XML; [0012]).

As for Claim 4, Gargi et al teaches the software components are associated with classification nodes (Fig. 16 (60); [0106-0107]).

As for Claim 6, Gargi et al clearly teaches a graphical user interface is employed by a user to classify software components ([0042][0081-0084]).

As for Claim 7, Gargi et al clearly teaches a user drags and drops components onto a classification node (Fig. 2 (164) e.g., layout engine; [0085]).

As for Claim 9, Gargi et al clearly teaches a notification component that notifies consumers of the common structure of proposed changes to the structure to give them an opportunity to veto the change (Fig. 16 (62-78); ([0107-0108][0112-0114])).

As for Claim 10, Gargi et al clearly teaches a notification component that alerts consumers of the common structure of a change (Fig. 16 (62-78); ([0107-0108][0112-0114])).

As for Claim 12, Gargi et al clearly teaches of a user generating a classification scheme employing a graphical user interface ([0042][0081-0084]) to drag and drop artifacts onto classification nodes (Fig. 2 (164) e.g., layout engine; [0085]).

Claims 14 and 15 differ from Claims 9 and 10 in that claims 14 and 15 are software tool interaction system whereas claims 9 and 10 are classification system claims. Thus, claims 14 and 15 are analyzed as previously discussed with respect to claims 9 and 10 above.

Claims 17 and 18 differ from Claims 2 and 3 in that claims 17 and 18 are method claims whereas claims 2 and 3 are system claims. Thus, claims 17 and 18 are analyzed as previously discussed with respect to claims 2 and 3 above.

Claims 20 and 21 differ from Claims 6 and 7 in that claims 20 and 21 are method claims whereas claims 6 and 7 are system claims. Thus, claims 20 and 21 are analyzed as previously discussed with respect to claims 6 and 7 above.

As for Claim 23, Gargi et al teaches maintaining the taxonomies (e.g., clusters or groups; [0049]) includes notifying a user or owner of classifiable artifacts of changes to the taxonomy (Fig. 16 (64); [0107]).

As for Claim 24, Gargi et al teaches a before change event is raised prior to a change to provide owners with an opportunity to veto proposed changes (Fig. 16 (62-78); ([0107-0108][0112-0114])).

As for Claim 25, Gargi et al teaches an after change event is raised to all owners to enable them to reflect a change that has been completed (Fig. 16 (62-78); ([0107-0108][0112-0114])).

As for Claim 26, Gargi et al clearly teaches the taxonomy is represented in XML [0043].

As for Claim 27, Gargi et al teaches a computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 16 [0041].

Claim 29 differs from claims 2 and 17 in that claim 29 is a common enterprise classification scheme method whereas claim 2 is a system and claim 17 is a common classification method claim. Thus, claim 29 is analyzed as previously discussed with respect to claims 2 and 17 above.

Claim 30 differs from claims 6 and 20 in that claim 30 is a common enterprise classification scheme method whereas claim 6 is a system and claim 20 is a common classification method claim. Thus, claim 30 is analyzed as previously discussed with respect to claims 6 and 20 above.

As for Claim 31, Gargi et al clearly teaches requesting consent from consumers of the common structure to proposed changes to the structure (Fig. 16 (62-78); ([0107-0108][0112-0114])).

As for Claim 32, Gargi et al clearly teaches a computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 28 [0041].

Claim Rejection – 35 USC 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2169

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 8, 13, 19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gargi et al (USPG-Pub No. 20050027712A1) in view of Omoigui et al (USPG-Pub No. 20030126136A1).

As for Claim 5, Gargi et al teaches of organizing a collection of objects through the use of a hierarchical structure consisting of object types, classification nodes, a graphical user interface, and a segmentation engine (e.g., taxonomy engine). Gargi et al fails to explicitly teach of a globally unique identifier (GUID) being incorporated into his art. Omoigui et al teaches of a globally unique identifier [0982].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined a globally unique identifier as taught by Omoigui et al with the organizing a collection of objects as taught by Gargi et al because it is a preferable file naming method, as made hackneyed in the state of the art. (Omoigui et al (USPG-Pub No. 20030126136A1); [0982]).

As for Claim 8, Gargi et al teaches of the classification component utilizing statistical analysis related to artificial intelligence to couple software components to the common structure (Fig. 17 (120); e.g., Business Process Cockpit; ([0043][0110][0112-0114])). Gargi et al fails to explicitly recite the limitation of heuristics. Omoigui et al teaches heuristics to couple software components to a common structure

([0622][1048]).

Claim 13 differs from Claim 8 in that claim 13 is a software tool interaction system whereas claim 8 is a classification system claim. Thus, claim 13 is analyzed as previously discussed with respect to claim 8 above.

As for Claim 19, Gargi et al teaches of node (e.g., classification nodes; [0106-0107]) in a taxonomy (e.g., object cluster or group; [0049]). Gargi et al fails to explicitly teach of a globally unique identifier (GUID) being incorporated into his art. Omoigui et al teaches of a globally unique node identifier [0982].

Claim 22 differs from Claims 8 and 13 in that claim 22 is a method claims whereas claim 8 is a distributed classification and claim 13 is a software tool interaction system claim. Thus, claim 22 is analyzed as previously discussed with respect to claims 8 and 13 above.

Conclusion

6. The prior art made of reference and not relied upon is considered pertinent to the applicant's disclosure.

Elder et al (USPG-Pub No. 20040088303A1) teaches a system and method for determining founders of an information aggregate.

Milligan et al (USPG-Pub No. 20040267718A1) teaches a system and method for enabling client applications to interactively obtain and present taxonomy information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raheem Hoffler whose telephone number is (571) 270-1036. The examiner can normally be reached on 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on (571) 272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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